

REMARKS

Favorable reconsideration and withdrawal of the rejections set forth in the Office Action are respectfully requested in view of the foregoing amendments and the following remarks.

Claims 65 and 67-72 are pending, with claims 65, 70, and 72 being independent. Claim 66 has been cancelled herein, without prejudice to or disclaimer of the subject matter recited therein. Claim 72 is new. Claims 65, 67, and 70 have been amended. Support for the amendments and new claim can be found throughout the original disclosure, including, for example, at paragraphs [00141] and [00143] of the Specification. Thus, Applicants submit the amendments and new claim recite no new matter.

In the Office Action, claims 65-71 were rejected under 35 U.S.C. § 103(a) as being obvious over Christensen (U.S. Patent No. 6,035,280) in view of Official Notice.

The rejections are respectfully traversed. Nevertheless, without conceding the propriety of the rejections and solely to advance prosecution, independent claims 65 and 70 have been amended herein to even more clearly distinguish certain features of the invention from Christensen. To this end, Applicants submit that Christensen does not teach or suggest a method for facilitating generation of a purchaser profile, as recited in the claims of the present application, for at least the following reasons.

The Office Action alleges Christensen discloses a method for facilitating generation of a purchaser profile. Specifically, the Office Action alleges, that Christensen, citing col. 11, lines 51-55 and col. 15, line 61 to col. 16, line 3 of the reference, discloses using product information data and a consumer ID to determine exactly which consumers

purchased particular products from retailers, as well as retrieving and storing the universal product code (UPC) and product numbers for products. Therefore, the Office Action concludes that it would have been obvious in the system of Christensen to associate a retailer item identifier with a table or the like corresponding to its UPC code stored in Christensen because such a modification would allow the manufacturers of Christensen to determine exactly what product has been purchased by the consumer.

The Office Action further alleges that it is old and well known to associate two item identifiers in order to derive a standard identifier. Thus, the Office Action concludes that it would have been obvious to one of ordinary skill in the art to have included with Christensen the association of a retailer ID with a manufacturer ID to derive a standard identifier.

Applicants respectfully submit, however, that Christensen does not disclose associating a retailer identifier and a manufacturer item identifier, and thereby deriving a standard identifier, as recited in claim 67. Similarly, Applicants submit Christensen does not disclose receiving of a standardized transaction file that comprises a standard identifier that is associated with a retailer item identifier and a manufacturer item identifier, as recited in claim 70. Moreover, Applicants respectfully submit that such steps are neither suggested by Christensen, nor well known so as to have been obvious to one of ordinary skill in the art in view of the teachings of Christensen.

To this end, Applicants respectfully submit that Christensen does not specifically refer to a “retailer item identifier.” At most, col. 11, lines 51-55 of Christensen refer to “product codes (UPC)” and “product numbers.” There is no indication in the reference that

these are the retailer's codes or the retailer's product numbers. That is, these codes and numbers may be, for example, a manufacturer's codes or product numbers. Thus, as Christensen does not identify a "retailer item identifier," the reference cannot be understood to teach or suggest the associate of a "retailer item identifier" and a "manufacturer item identifier," and, thereby cannot be understood to teach or suggest a "standard identifier," as recited in claims 66 and 70.

Applicants further respectfully submit that the Official Notice taken in the Office Action with respect to associating two identifiers in order to derive a standard identifier is factually insufficient to render obvious a "standard identifier," as recited in claims 65 and 70 of the present application, even if considered in combination with the teaching of Christensen. The Official Notice is on the grounds that it is known to associate two identifiers in order to derive a standard identifier, with the Office Action asserting, as an example, supermarkets generating a bar code for an item that integrates retailer information with a manufacturer specification in order to streamline the identifying process of the items to be scanned. Applicants submit, however, that the idea of "associating two identifiers to derive a standard identifier" such a broad a generalization that it does not address the specifics of the context of the invention, that is, a method for facilitating generation of a purchaser profile that includes the use of a retailer item identifier and manufacturer item identifier. Moreover, Applicants respectfully assert the example cited in the Office Action of supermarkets generating a bar code that integrates retailer information with a manufacturer specification is not a well known example of associating two identifiers, nor does the example appear to even involve generating anything equivalent to "standard identifier," as recited in claims 65 and 70. Specifically, in Applicants' view, while retailers

may use a bar code on a product for purposes such as associating a price with the product, this does not entail, and clearly falls short of, associating a retailer item identifier and a manufacturer item identifier as recited in claims 65 and 70. Further, Applicants do not understand how such a use of a bar code would further entail the use of a standard identifier. Still further, the use of a bar code in a supermarket setting lacks any of the context of the present invention, that is, as part of a method for facilitating generation of a purchaser profile.

In sum, (1) Christensen fails to disclose a “retailer item identifier,” (2) Christensen fails to associate a “retailer item identifier” with a “manufacturer item identifiers,” (3) Christensen fails to derive a “standard item identifier” from an associated “retailer item identifier” and “manufacturer item identifier,” and (4) the Official Notice taken in the Office Action does not sufficiently address the derivation of a “standard item identifier” from an associated “retailer item identifier” and “manufacturer item identifier.” Given these four deficiencies in Christensen and the Official Notice, Applicants respectfully submit that the present invention, as recited in claims 66 and 70, would not have been obvious to one of ordinary skill in the art absent impermissible hindsight Applicants’ invention. That is, the teachings of Christensen and the assertions of the Official Notice lack so many features of the present invention, one of ordinary skill in the art would not have somehow been able to derive Applicants’ invention recited in claims 66 and 70 without foreknowledge of the invention.

With respect to new claim 72, Applicants submit Christensen does not disclose or suggest, *inter alia*, the combination of “receiving in a first database a transaction file

associated with a new consumer,” “requesting consumer data for said new consumer from a second database,” and then “receiving in said first database said consumer data for said new consumer.” Instead, Christensen only appears to disclose receiving purchase data in the database after an authorization process wherein the consumer data is first established in the database. See, e.g., Christensen, Fig. 5; col. 10, lines 3-33; and col. 11, lines 49-61 (disclosing that the SELECTSOFT diskette cannot be used until the consumer contacts the issuer of the diskette, who in turn established the consumer information in the SELECTSOFT database where the purchase data is sent). As such, Christensen does not disclose or suggest a method for facilitating generation of a purchaser profile, as recited in new claim 72.

The other claims in this application depend from claim 65 discussed above, and, therefore, are submitted to be patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, individual consideration or reconsideration, as the case may be, of the patentability of each claim on its own merits is respectfully requested.

Applicants also respectfully point out that the Office Action does not provide any support for the Official Notices with respect to the dependent claims. Applicants respectfully traverse the Official Notices as Applicants do not understand the features described in the Official Notices to be well known, and request the Office cite a reference in support of the Official Notice positions taken. See MPEP §§ 2144.02 and 2144.03.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

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